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 JALON HALL

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JALON HALL, an individual,

Plaintiff,

vs.

GOOGLE LLC, a Delaware Limited
 Liability Company; JAMILA SMITH-LOUD,
 an individual; and DOES 1–25, inclusive,

Defendants.

Case No. 23-cv-06574-JST

**AMENDED COMPLAINT FOR DAMAGES
 AND OTHER RELIEF**

1. Disability Discrimination (Cal. Gov't Code § 12940(a))
2. Failure to Accommodate (Cal. Gov't Code § 12940(m)(1))
3. Failure to Engage in the Interactive Process (Cal. Gov't Code § 12940(n));
4. Harassment (Cal. Gov't Code § 12940(j)(1))
5. Disability Discrimination (42 U.S.C. 12101, et seq.)
6. Failure to Accommodate (42 U.S.C. 12101, et seq.)
7. Retaliation and Interference with the Americans with Disabilities Act (42 U.S.C. 12203)
8. Race Discrimination (Cal. Gov't Code § 12940(a))
9. Retaliation (Cal. Gov't Code § 12940(h))

10. Failure to Prevent Discrimination, Harassment and Retaliation (Cal. Gov't Code § 12940(k))
11. Racial Discrimination, Retaliation, and Failure to Prevent in Violation of 42 U.S.C. § 1981

DEMAND FOR JURY TRIAL

Plaintiff JALON HALL complains and alleges the following against GOOGLE LLC ("GOOGLE") and DOES 1-25 (collectively "Defendants"):

INTRODUCTION

1. Plaintiff, an African American, deaf woman was subjected to discrimination, harassment and retaliation based on the intersectionality of her race (Black), and disability (deafness). GOOGLE has "underleveled" and repeatedly failed to accommodate Plaintiff, and been unjustifiably critical of her work and dismissive of her requests and contributions. GOOGLE's acts of discrimination have led to Plaintiff being repeatedly denied positions for which she is well-qualified, from the inception of her employment up to the current date. Throughout her employment, Ms. Hall has made repeated reports and complaints of discriminatory treatment to her supervisors, Human Resources, Employee Relations, and the Disability Alliance, seeking reasonable and effective accommodations, which have been met with varied responses. However, none of Ms. Hall's reports or complaints have been adequately addressed or resolved and instead, Plaintiff has been subjected to outright retaliation.

JURISDICTION AND VENUE

2. This court has jurisdiction over the subject matter pursuant to 28 U.S.C. § 1331. This is an action arising under the Americans with Disabilities Act, 42 U.S.C. § 12101, et seq. and the Civil Rights Act of 1866, 42 U.S.C. § 1981.

1 Complaint to substitute the true names and capacities of the Doe Defendants when they become
2 known to Plaintiff. Plaintiff alleges, on information and belief, that each of the Doe Defendants is
3 responsible for the wrongful acts alleged and is therefore liable to Plaintiff.

4 11. Plaintiff alleges, on information and belief, that Defendants, and each of them,
5 were, at all relevant times, the agents, employees, coconspirators, parent corporation, joint
6 employers, alter ego, or joint venturers of the other Defendants, and each of them, and, in doing
7 the acts alleged, were acting in part within the course and scope of said agency, employment,
8 conspiracy, joint employment, alter ego status, or joint venture and with the permission and
9 consent of each of the other Defendants.

10 12. Whenever and wherever reference is made in this complaint to any act or failure
11 to act by a Defendant or co-Defendant, such allegations and references shall also be deemed
12 to mean the acts or failures to act by each Defendant acting individually, jointly, or severally.

13 **FACTUAL ALLEGATIONS**

14 13. Plaintiff Jalon Hall is African American, female and deaf. Prior to Plaintiff's
15 employment GOOGLE had ample notice of Plaintiff's disability and her need for reasonable
16 accommodation. In around June/July 2020, Ms. Hall was recruited to apply for employment with
17 GOOGLE for the role of Content Moderation Specialist ("CMS") in the Child and Safety
18 Department, a position for which Plaintiff was recruited based on her expertise in investigating
19 and advocating for the disabled community. Prior to being hired, Ms. Hall underwent three formal
20 pre-employment interviews with the use of a sign language interpreter and one informal follow-
21 up. In addition, in or about September 2020, Ms. Hall's medical provider submitted written
22 documentation to GOOGLE confirming that she was deaf and required reasonable
23 accommodations.

24 14. Prior to her employment and during the interview process, Ms. Hall provided
25 information regarding her education, prior work experience and qualifications, which should have
26 been determinative of the Google-assigned level at which Ms. Hall would be hired. Yet, Google
27 delivered an offer letter to Ms. Hall which failed to indicate at what level she would be hired.
28 Thus, Google was not only aware of Ms. Hall's qualifications, but the need to fully and reasonably

1 accommodate her disability so that she would not merely be employed at an entry level position
2 but would be provided accommodations that would allow her to advance.

3 15. On or around October 5, 2020, Ms. Hall began working for GOOGLE. Despite
4 recruiting her and knowing of her disability (deaf) and her required need for accommodations,
5 GOOGLE repeatedly discriminated against her by failing to provide reasonable accommodations
6 including a sign language interpreter.

7 16. Ms. Hall was provided with a sign-language accommodation during five days of
8 remote onboarding, from October 5 to October 9, 2020. However, on or about October 12, 2020,
9 Ms. Hall's assigned interpreters were sent home, and her prior accommodation taken away.
10 Thereafter, interpretation was only selectively permitted for certain meetings, or trainings,
11 purportedly due to the sensitive nature of the content. Placement of this form of limitation on
12 interpreters provided, or training and access would necessarily limit Plaintiff's ability to perform
13 duties as a CMS, or any other significant role.

14 17. Even when Ms. Hall was permitted to utilize an interpreter, the interpreter(s) were
15 not allowed to assist her while investigating video content. Additionally, because Content
16 Moderation Specialists were not permitted to retain their cell phones while inside the "privacy
17 rooms", this limitation isolated Ms. Hall and prevented her from using the phone as an
18 interpretation device, and instead required her to walk roughly a half mile to where an interpreter
19 was located in order to obtain assistance. This time-consuming effort needlessly and negatively
20 impacted Ms. Hall's productivity and her ability to be effective in the role.

21 18. As a result of GOOGLE's refusal to provide a sign language interpreter for CMS
22 training, Ms. Hall was reassigned from Child Safety to the Misinformation Department. As a
23 further consequence, Ms. Hall was informed to work from home and use an interpreter remotely.
24 Yet, Ms. Hall was placed at a disadvantage because training for this Department had begun over
25 a month before. Thereafter, Ms. Hall was processed through Misinformation training without
26 the benefit and reasonable accommodation of a sign language interpreter.

27 19. Having completed abbreviated training for the Misinformation Department, Ms.
28 Hall started live production work. Ms. Hall was provided with written transcriptions for her review,

1 which were often inaccurate, preventing Ms. Hall and her interpreter from understanding the
2 video content. Instead of figuring out a way to accommodate Ms. Hall, GOOGLE instructed Ms.
3 Hall to skip the videos, a further hinderance to her ability to fully learn and succeed in her
4 position. Thereafter, in or around January 2021, GOOGLE informed Ms. Hall that she could no
5 longer utilize an interpreter to view the videos due once again to purported privacy and safety
6 concerns.

7 20. During training, able-bodied GOOGLE employees were trained with the assistance
8 of headphones that plugged into monitors. Despite her known disability (deafness), Ms. Hall
9 was also assigned headphones, which were useless. Ms. Hall requested a second monitor
10 through which a sign language interpreter could visually translate the same information that was
11 being heard by able-bodied participants through their headphones. However, GOOGLE refused
12 to allow Ms. Hall access to a sign-language interpreter with the use of the second monitor. And,
13 because the GOOGLE instructor perceived the presence of two monitors (for Ms. Hall's
14 accommodation) as somehow being unfair to the able-bodied employees present, the GOOGLE
15 instructor arranged for all of the able-bodied employees to receive a second monitor.

16 21. In the hope of improving her work circumstances and opportunities for
17 advancement, and based on the expectation that it would be easier to visually process and
18 accurately code violations, and develop new policies based on the video content, Ms. Hall
19 agreed to be transferred back to the Child and Safety Department. However, visual processing
20 alone proved to be excessively taxing.

21 22. On July 26, 2021, Ms. Hall was reassigned to the role of Research Analyst, but
22 was denied the standard training normally provided for this role. Plaintiff also failed to receive
23 the oversight normally afforded to employees categorized as an "L2".

24 23. Initially, Ms. Hall participated in Equitable AI Research Roundtable (EARR)
25 meetings, like all other able-bodied Research Analysts. Eventually, Ms. Hall was uninvited to
26 attend these meetings.

27 24. Around this time, Ms. Hall was assigned to a new manager, Jamila Smith-Loud,
28 who engaged in various forms of discrimination of Ms. Hall, due to her disability. Her manager's

actions included: ignoring Ms. Hall; being dismissive, both verbally and non-verbally such as with body language and eye-rolling; speaking over Ms. Hall's interpreters when Ms. Hall is speaking; ignoring Ms. Hall or addressing her with ambiguous responses to performance-related questions; alternatively nitpicking Ms. Hall's work; providing feedback in a delayed and protracted manner to impede her productivity; refusing to accommodate Ms. Hall's repeated requests for written recaps of meetings in order to accommodate her hearing impairment; alternatively, refusing to respond to and verify Ms. Hall's recaps, so that Ms. Hall could ensure (and document) the accuracy of the information being provided to her; and refusing to provide required guidance necessary for Ms. Hall's ability to promote and advance, among other things.

25. As a consequence of these failures, Ms. Hall was given unreasonably low performance evaluation ratings by Ms. Smith-Loud, all of which has deprived Ms. Hall of the opportunity to advance and promote. As such, Ms. Hall remains an L2.

26. Ms. Hall has repeatedly complained of various forms of discrimination, including: being "underleveled"; being denied positions for which she is well-qualified due to GOOGLE's failure and refusal to provide reasonable and effective accommodations; and being told that Ms. Hall's need for an interpreter and providing interpreter access to attend certain meetings, and purported privacy concerns, somehow justify pigeonholing Ms. Hall into selective positions, or limiting her upward mobility; and failing and refusing to train Ms. Hall for positions made readily available to able-bodied employees.

27. In response to Ms. Hall seeking accommodations and voicing complaints of discrimination, Ms. Hall was referred to as an "aggressive, Black, deaf woman", who should "keep your mouth shut and take a sales role"; that, she was lucky to be at GOOGLE when "other Black Deaf [employees] depend on government checks"; that Ms. Hall should be grateful and not complain. (paraphrasing)

28. In contrast to subjecting Ms. Hall to discriminatory conduct, on multiple occasions throughout Ms. Hall's employment, GOOGLE has hypocritically sought to favorably portray itself as a multicultural, disability-inclusive company, by seeking to feature Ms. Hall in media publications as a Black deaf woman.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

29. In May 2021, Plaintiff submitted an initial charge to the Equal Employment Opportunity Commission ("EEOC"). Plaintiff obtained a Right to Sue notice from the EEOC on September 26, 2023.

30. On June 11, 2024, Plaintiff filed a new charge with the California Department of Fair Employment and Housing ("DFEH") and received a Right to Sue notice for her state law claims.

FIRST CAUSE OF ACTION

DISABILITY DISCRIMINATION

Cal. Gov't Code § 12940(a)

(Against GOOGLE and Does 1-25)

31. Plaintiff repeats, realleges, and incorporates by reference the allegations contained in all previous paragraphs as though fully set forth at length herein.

32. GOOGLE was, at all relevant times, an employer as that term is defined in California Government Code §12926(d).

33. Plaintiff was GOOGLE's employee.

34. Plaintiff is deaf, a disability as defined in California Government Code §12926, subdivision (m). Google knew Plaintiff had a disability.

35. Plaintiff was able to perform the essential job duties of her assigned position and other positions into which Plaintiff sought promotion, with reasonable accommodation.

36. GOOGLE repeatedly refused to promote Plaintiff, refused to provide effective interpretive services, "underleveled" her, unfairly judged her work performance, and subjected Plaintiff to a course or pattern of conduct that, taken as a whole, materially and adversely affected the terms, conditions, or privileges of Plaintiff's employment

37. Plaintiff's disability was a substantial motivating reason for GOOGLE's actions.

38. Plaintiff was harmed as a result of GOOGLE's conduct, and GOOGLE's conduct was a substantial factor in causing Plaintiff's harm.

39. Government Code §12940, subdivision (a), declares it an unlawful employment

1 practice for an employer to discriminate in compensation, the terms, conditions or privileges of
 2 employment because of disability. The acts and conduct of GOOGLE, as described above,
 3 constitute unlawful discrimination in violation of Government Code §12940, subdivision (a).

4 40. Economic damages. As a direct and legal result of GOOGLE's conduct, Plaintiff
 5 has and will suffer special damages for lost earnings and wages in an amount not yet fully known,
 6 but in excess of \$200,000.

7 41. Non-economic damages. As a direct and legal result of GOOGLE's conduct,
 8 Plaintiff has and will suffer general damages including, but not limited to, damage to her
 9 reputation, pain and suffering, humiliation, embarrassment, and emotional distress, all in an
 10 amount to be proven at trial.

11 42. As a direct and proximate result of GOOGLE's conduct, as alleged herein, Plaintiff
 12 has been compelled to retain legal counsel, and is entitled to reasonable attorney's fees and
 13 costs of suit, pursuant to California Government Code §§12940, 12965 subdivision (b) as well
 14 as other applicable statutes.

15 43. Exemplary and punitive damages. GOOGLE, by its conduct as set forth above,
 16 has engaged in despicable conduct, exposing Plaintiff to cruel and unjust hardship, with the
 17 intention to cause injury to Plaintiff, and with conscious disregard of her rights. GOOGLE
 18 occupied a position of trust which gave it power to damage Plaintiff's ability to earn a livelihood.
 19 GOOGLE abused that position of trust by discriminating against her under the circumstances
 20 described here. Plaintiff is therefore entitled to punitive damages in an amount to be proven at
 21 trial. GOOGLE's conduct in discriminating against Plaintiff was willful and oppressive and done
 22 in conscious disregard of her rights.

23 **SECOND CAUSE OF ACTION**

24 **FAILURE TO ACCOMMODATE**

25 **Cal. Gov't Code § 12940(m)(1)**

26 **(Against GOOGLE and Does 1-25)**

27 44. Plaintiff repeats, realleges, and incorporates by reference the allegations
 28 contained in all previous paragraphs as though fully set forth at length herein.

1 45. Plaintiff is deaf: a disability as defined in California Government Code §12926,
2 subdivision (m). GOOGLE knew Plaintiff had a disability.

3 46. Plaintiff was able to perform the essential job duties of her GOOGLE position and
4 other positions into which Plaintiff sought promotion, with reasonable accommodation.

5 47. Plaintiff repeatedly requested one or more reasonable accommodations, as
6 defined in California Government Code §12926, subdivision (p) and California Code of
7 Regulations §11065, subdivision (c).

8 48. GOOGLE refused to provide Plaintiff with effective reasonable accommodations
9 and refused to provide effective interpretive services, among other reasonable accommodations.

10 49. Plaintiff was harmed as a result of GOOGLE's conduct, and GOOGLE's conduct
11 was a substantial factor in causing Plaintiff's harm.

12 50. California Government Code §12940, subdivision (m)(1), makes it unlawful for an
13 employer to refuse to make a reasonable accommodation for the known and/or perceived
14 disability of an employee. The acts and conduct of GOOGLE, as alleged above, constitute an
15 unlawful failure to accommodate Plaintiff's known or perceived disability in violation of California
16 Government Code §12940, subdivision (m)(1).

17 51. Economic damages. As a direct and legal result of GOOGLE's conduct, Plaintiff
18 has and will suffer special damages for lost earnings and wages in an amount not yet fully known,
19 but in excess of \$200,000.00.

20 52. Non-economic damages. As a direct and legal result of GOOGLE's conduct,
21 Plaintiff has and will suffer general damages including, but not limited to, damage to her
22 reputation, pain and suffering, humiliation, embarrassment, and emotional distress, all in an
23 amount to be proven at trial.

24 53. As a direct and proximate result of GOOGLE's conduct, as alleged herein, Plaintiff
25 has been compelled to retain legal counsel, and is entitled to reasonable attorney's fees and
26 costs of suit, pursuant to California Government Code §§12940, 12965 subdivision (b) as well
27 as other applicable statutes.

28 54. Exemplary and punitive damages. GOOGLE, by its conduct as set forth above,

has engaged in despicable conduct, exposing Plaintiff to cruel and unjust hardship, with the intention to cause injury to Plaintiff, and with conscious disregard of her rights. GOOGLE occupied a position of trust which gave it power to damage Plaintiff's ability to earn a livelihood. GOOGLE abused that position of trust maliciously, fraudulently, and oppressively failing to accommodate her under the circumstances described here. Plaintiff is therefore entitled to punitive damages in an amount to be proven at trial. GOOGLE's conduct was willful and oppressive and done in conscious disregard of her rights.

THIRD CAUSE OF ACTION

FAILURE TO ENGAGE IN AN INTERACTIVE PROCESS

Cal. Gov't Code § 12940(n)

(Against GOOGLE and Does 1-25)

55. Plaintiff repeats, realleges, and incorporates by reference the allegations contained in all previous paragraphs as though fully set forth at length herein.

56. Plaintiff was able to perform the essential job duties with reasonable accommodation for her disability and was otherwise qualified to do her job.

57. Plaintiff was willing to participate in an interactive process to determine what, if any, reasonable accommodation(s) Plaintiff needed to perform the essential functions of her job.

58. GOOGLE had a continuous and ongoing duty to engage in the interactive process in order to determine reasonable and effective accommodation(s) for the Plaintiff.

59. GOOGLE failed to participate in a timely, good-faith continuous and ongoing interactive process with Plaintiff to determine whether reasonable accommodation could be made for Plaintiff to perform her essential job functions.

60. Plaintiff was harmed as a result of GOOGLE's conduct, and GOOGLE's conduct was a substantial factor in causing Plaintiff's harm.

61. California Government Code §12940, subdivision (n), makes it unlawful for an employer to fail to participate in a timely good-faith interactive process with an employee to determine what reasonable accommodations, if any, would be effective in allowing Plaintiff to return to work. The acts and conduct of GOOGLE, as described above, constitute an unlawful

1 failure to engage in the interactive process in violation of California Government Code §12940,
2 subdivision (n).

3 62. Economic damages. As a direct and legal result of GOOGLE's conduct, Plaintiff
4 has and will suffer special damages for lost earnings and wages in an amount not yet fully known,
5 but in excess of \$200,000.

6 63. Non-economic damages. As a direct and legal result of GOOGLE's conduct,
7 Plaintiff has and will suffer general damages including, but not limited to, damage to her
8 reputation, pain and suffering, humiliation, embarrassment, and emotional distress, all in an
9 amount to be proven at trial.

10 64. As a direct and proximate result of GOOGLE's conduct, as alleged herein, Plaintiff
11 has been compelled to retain legal counsel, and is entitled to reasonable attorney's fees and
12 costs of suit, pursuant to California Government Code §§12940, 12965 subdivision (b) as well
13 as other applicable statutes.

14 65. Exemplary and punitive damages. GOOGLE, by its conduct as set forth above,
15 has engaged in despicable conduct, exposing Plaintiff to cruel and unjust hardship, with the
16 intention to cause injury to Plaintiff, and with conscious disregard of her rights. GOOGLE
17 occupied a position of trust which gave it power to damage Plaintiff's ability to earn a livelihood.
18 GOOGLE abused that position of trust by maliciously, fraudulently, and oppressively failing to
19 engage in the interactive process under the circumstances described here. Plaintiff is therefore
20 entitled to punitive damages in an amount to be proven at trial. GOOGLE's conduct was willful
21 and oppressive and done in conscious disregard of her rights.

22 **FOURTH CAUSE OF ACTION**

23 **HARASSMENT**

24 **Cal. Gov't Code § 12940(j)(1)**

25 **(Against GOOGLE, SMITH-LOUD and Does 1-25)**

26 66. Plaintiff incorporates by reference each and every allegation contained in all of the
27 paragraphs above as though fully set forth at length herein.

28 67. Jamila Smith-Loud was and is Plaintiff's direct supervisor.

68. Defendant Smith-Loud, while acting in the course and scope of her employment with GOOGLE, subjected Plaintiff to unwanted harassing conduct due to the intersection of Plaintiff's disability and race. GOOGLE's and Smith-Loud's conduct includes, among other things, ignoring Ms. Hall and being dismissive, both verbally and non-verbally, such as with body language and eye-rolling; speaking over Ms. Hall's interpreters while Ms. Hall is "speaking" and signing; offering Ms. Hall ambiguous responses to performance-related questions; providing untimely feedback in a delayed and protracted manner and thereby impeding Plaintiff's productivity; alternatively, nitpicking Ms. Hall's work; refusing to accommodate Ms. Hall's repeated requests for written recaps of meetings in order to accommodate Plaintiff's hearing impairment; alternatively, refusing to respond to and verify Ms. Hall's recaps, so that Ms. Hall could ensure (and document) the accuracy of the information being provided to Plaintiff; and refusing to provide required guidance necessary for Ms. Hall's ability to promote and advance.

69. Other GOOGLE supervisors referred to Ms. Hall as an "aggressive, Black, deaf woman", who should "keep your mouth shut and take a sales role"; that, Plaintiff was lucky to be at GOOGLE when "other Black Deaf [employees] depend on government [welfare] checks"; and, in response to Ms. Hall seeking accommodations and voicing complaints of discrimination, Ms. Hall was told that she should be grateful and not complain (paraphrasing).

70. The conduct of Smith-Loud, GOOGLE's and others was severe or pervasive and a reasonable person in Plaintiff's circumstances would have considered the work environment created to be hostile or abusive.

71. Plaintiff did in fact consider the work environment to be hostile or abusive.

72. GOOGLE supervisors, managers and co-workers engaged in harassing conduct. GOOGLE's agents or supervisors knew or should have known of the harassing conduct and failed to take appropriate or effective corrective action.

73. Plaintiff was harmed as a result of GOOGLE's and Smith-Loud's conduct, which was a substantial factor in causing Plaintiff's harm.

74. Government Code §12940, subdivision (j), declares it unlawful for an employer to harass an employee because of a physical disability and/or their race. The acts and conduct of

1 GOOGLE, as described above, constitute unlawful discrimination in violation of Government
2 Code §12940, subdivision (j).

3 75. Government Code §12940, subdivision (j), declares it an unlawful for a supervisor
4 to harass an employee because of a physical disability and/or their race. The acts and conduct
5 of Smith-Loud, as described above, constitute unlawful discrimination in violation of Government
6 Code §12940, subdivision (j).

7 76. Economic damages. As a direct and legal result of Defendants' conduct, Plaintiff
8 has and will suffer special damages for lost earnings and wages in an amount not yet fully known,
9 but in excess of \$200,000.

10 77. Non-economic damages. As a direct and legal result of Defendants' conduct,
11 Plaintiff has and will suffer general damages including, but not limited to, damage to her
12 reputation, pain and suffering, humiliation, embarrassment, and emotional distress, all in an
13 amount to be proven at trial.

14 78. As a direct and proximate result of Defendants' conduct, as alleged herein, Plaintiff
15 has been compelled to retain legal counsel, and is entitled to reasonable attorney's fees and
16 costs of suit, pursuant to California Government Code §§12940, 12965 subdivision (b) as well
17 as other applicable statutes.

18 79. Exemplary and punitive damages. Defendants, by their conduct as set forth
19 above, has engaged in despicable conduct, exposing Plaintiff to cruel and unjust hardship, with
20 the intention to cause injury to Plaintiff, and with conscious disregard of her rights. Defendants
21 occupied a position of trust which gave them power to damage Plaintiff's ability to earn a
22 livelihood. Defendants abused that position of trust by maliciously, fraudulently, and
23 oppressively harassing her under the circumstances described here. Plaintiff is therefore
24 entitled to punitive damages in an amount to be proven at trial. Defendants' harassing conduct
25 against Plaintiff was willful and oppressive and done in conscious disregard of her rights.

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FIFTH CAUSE OF ACTION

DISABILITY DISCRIMINATION

Americans with Disabilities Act

42 U.S.C. § 12101, et seq.

(Against GOOGLE and Does 1-25)

80. Plaintiff repeats, realleges, and incorporates by reference the allegations contained in all previous paragraphs as though fully set forth at length herein.

81. The ADA prohibits an employer from discriminating “against a qualified individual with a disability because of the disability of such individual in regard to . . . other terms, conditions, and privileges of employment.” 42 U.S.C. § 12112(a).

82. At all times relevant herein, Plaintiff was and is a qualified individual with a disability and able to perform all the essential functions of her position with or without accommodation.

83. As alleged herein, Defendants discriminated against Plaintiff because of her disability in violation of Plaintiff’s rights under the ADA to be free from disability-based discrimination in employment.

84. As a direct and proximate result of these unlawful acts, Plaintiff has and will suffer special damages for lost earnings and wages in an amount not yet fully known, but in excess of \$200,000.

85. As a further proximate result of these unlawful acts, Plaintiff has suffered and continues to suffer injuries, including emotional injuries.

86. Plaintiff is entitled to compensatory damages, lost wages and benefits, declaratory and injunctive relief, attorneys’ fees and costs, and other appropriate relief as determined by this court.

87. Defendants’ unlawful actions were intentional, willful, malicious, and/or done with reckless disregard to Plaintiff’s rights. Accordingly, Plaintiff is entitled to an award of punitive damages.

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SIXTH CAUSE OF ACTION

FAILURE TO ACCOMMODATE

Americans with Disabilities Act

42 U.S.C. § 12101, et seq.

(Against GOOGLE and Does 1-25)

88. Plaintiff repeats, realleges, and incorporates by reference the allegations contained in all previous paragraphs as though fully set forth at length herein.

89. An employer must provide reasonable accommodation to its employees with disabilities, and may be required to engage in an interactive process with an employee who needs reasonable accommodation. 42 U.S.C. § 12112(b)(5)(A); 29 C.F.R. § 1630.2(o)(3).

90. Throughout her employment, Plaintiff has requested reasonable accommodation, and Defendants knew or should have known that accommodation was needed to allow Plaintiff to effectively receive information and communicate. Defendants failed to accommodate Plaintiff or to implement policies, procedures, and practices to ensure effective communication.

91. In failing to accommodate Plaintiff and in failing to engage in a timely, good faith, interactive process with Plaintiff to determine effective reasonable accommodations, Defendants violated the ADA.

92. As a direct and proximate result of these unlawful acts, Plaintiff has and will suffer special damages for lost earnings and wages in an amount not yet fully known, but in excess of \$200,000.

93. As a further proximate result of these unlawful acts, Plaintiff has suffered and continues to suffer injuries, including emotional injuries.

94. Plaintiff is entitled to compensatory damages, declaratory and injunctive relief, attorneys' fees and costs, and other appropriate relief as determined by this court.

95. Defendants' unlawful actions were intentional, willful, malicious, and/or done with reckless disregard to Plaintiff's rights. Accordingly, Plaintiff is entitled to an award of punitive damages.

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SEVENTH CAUSE OF ACTION

Retaliation and Interference with the Americans with Disabilities Act

42 U.S.C. § 12203

(Against GOOGLE and Does 1-25)

96. Plaintiff repeats, realleges, and incorporates by reference the allegations contained in all previous paragraphs as though fully set forth at length here.

97. The ADA prohibits any person from discriminating against any individual for opposing any act made unlawful by the Act, and from interfering with any individual in the exercise or enjoyment of his or her rights under the Act. 42 U.S.C. § 12203(a), (b).

98. By requesting accommodations for her disability, Plaintiff engaged in protected activities under the ADA, and was exercising or attempting to exercise her rights.

99. By refusing to grant Plaintiff's request for accommodations, imposing unwarranted discipline, harassment, persistent underleveling and instituting unjustified barriers to promote, Defendants retaliated against Plaintiff and interfered with her rights under the ADA.

100. As a direct and proximate result of these unlawful acts, Plaintiff has and will suffer special damages for lost earnings and wages in an amount not yet fully known, but in excess of \$200,000.

101. As a further proximate result of these unlawful acts, Plaintiff has suffered and continues to suffer injuries, including emotional injuries.

102. Plaintiff is entitled to compensatory damages, lost wages, declaratory and injunctive relief, attorneys' fees and costs, and other appropriate relief as determined by this court.

103. Defendants' unlawful actions were intentional, willful, malicious, and/or done with reckless disregard to Plaintiff's rights. Accordingly, Plaintiff is entitled to an award of punitive damages.

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EIGHTH CAUSE OF ACTION

RACE DISCRIMINATION

Cal. Gov't Code § 12940(a)

(Against GOOGLE and Does 1-25)

104. Plaintiff repeats, realleges, and incorporates by reference the allegations contained in all previous paragraphs as though fully set forth at length here.

105. Government Code section 12940, subdivision (a) declares it an unlawful employment practice for an employer to discriminate in compensation, or the terms, conditions or privileges of employment because of race. The acts and conduct of Defendant, as described above, constitute unlawful discrimination in violation of Government Code section 12940, subdivision (a).

106. Plaintiff, an African American woman, has been employed by Defendant since on or about October 5, 2020.

107. Plaintiff was qualified for the jobs she held as evidenced by GOOGLE's efforts to recruit her.

108. GOOGLE repeatedly refused to promote Plaintiff, refused to provide effective interpretive services, "underleveled" her, unfairly judged her work performance, made offensive remarks about her race, and otherwise subjected Plaintiff to a course or pattern of conduct that, taken as a whole, materially and adversely affected the terms, conditions, or privileges of her employment.

109. Plaintiff's race was a substantial motivating reason for GOOGLE's actions.

110. Plaintiff was harmed as a result of GOOGLE's conduct, and GOOGLE's conduct was a substantial factor in causing Plaintiff's harm.

111. Government Code §12940, subdivision (a), declares it an unlawful employment practice for an employer to discriminate in compensation, the terms, conditions or privileges of employment because of disability. The acts and conduct of GOOGLE, as described above, constitute unlawful discrimination in violation of Government Code §12940, subdivision (a).

112. Economic damages. As a direct and legal result of GOOGLE's conduct, Plaintiff

1 has and will suffer special damages for lost earnings and wages in an amount not yet fully known,
2 but in excess of \$200,000.

3 113. Non-economic damages. As a direct and legal result of GOOGLE's conduct,
4 Plaintiff has and will suffer general damages including, but not limited to, damage to her
5 reputation, pain and suffering, humiliation, embarrassment, and emotional distress, all in an
6 amount to be proven at trial.

7 114. As a direct and proximate result of GOOGLE's conduct, as alleged herein, Plaintiff
8 has been compelled to retain legal counsel, and is entitled to reasonable attorney's fees and
9 costs of suit, pursuant to California Government Code §§12940, 12965 subdivision (b) as well
10 as other applicable statutes.

11 115. Exemplary and punitive damages. GOOGLE, by its conduct as set forth above,
12 has engaged in despicable conduct, exposing Plaintiff to cruel and unjust hardship, with the
13 intention to cause injury to Plaintiff, and with conscious disregard of her rights. GOOGLE
14 occupied a position of trust which gave it power to damage Plaintiff's ability to earn a livelihood.
15 GOOGLE abused that position of trust by discriminating against her under the circumstances
16 described here. Plaintiff is therefore entitled to punitive damages in an amount to be proven at
17 trial. GOOGLE's conduct in discriminating against Plaintiff was willful and oppressive and done
18 in conscious disregard of her rights.

19 **NINTH CAUSE OF ACTION**

20 **RETALIATION**

21 **Cal. Gov't Code § 12940(h), (m)(2)**

22 **(Against GOOGLE and Does 1-25)**

23 116. Plaintiff repeats, realleges, and incorporates by reference the allegations
24 contained in all previous paragraphs as though fully set forth at length herein.

25 117. Plaintiff engaged in protected activity by, among other things, complaining to her
26 superiors, human resources and the Equal Employment Opportunity Commission about and
27 otherwise opposing GOOGLE and SMITH-LOUD's acts of harassment and discrimination
28 toward Plaintiff, and by seeking accommodations for her disability as defined in California

1 Government Code §12926, subdivision (p) and California Code of Regulations §11065,
2 subdivision (c).

3 118. Because of Plaintiff's protected activity, GOOGLE and Does 1-25 engaged in
4 adverse actions against Plaintiff, including, among other things, reassigning her to different roles,
5 refusing to accommodate Plaintiff, imposing unwarranted discipline, harassment, persistent
6 underleveling and instituting unjustified barriers to promote.

7 119. Plaintiff's engagement in protected conduct was a substantial motivating reason
8 for one or more adverse actions taken by GOOGLE against Plaintiff.

9 120. Plaintiff was harmed as a result of GOOGLE's conduct, and GOOGLE's conduct
10 was a substantial factor in causing Plaintiff's harm.

11 121. California Government Code §12940, subdivision (m)(2), makes it unlawful for an
12 employer to retaliate against a person for engaging in protected conduct. Additionally, California
13 Government Code §12940, subdivision(h) for any employer to otherwise discriminate against
14 any person because the person has opposed any practices forbidden under this part or because
15 the person has filed a complaint. The acts and conduct of GOOGLE, as described above,
16 constitute an unlawful retaliation in violation of California Government Code §12940, subdivision
17 (m)(2) and subdivision (h).

18 122. Economic damages. As a direct and legal result of GOOGLE's conduct, Plaintiff
19 has and will suffer special damages for lost earnings and wages in an amount not yet fully known,
20 but in excess of \$200,000.

21 123. Non-economic damages. As a direct and legal result of GOOGLE's conduct,
22 Plaintiff has and will suffer general damages including, but not limited to, damage to her
23 reputation, pain and suffering, humiliation, embarrassment, and emotional distress, all in an
24 amount to be proven at trial.

25 124. As a direct and proximate result of GOOGLE's conduct, as alleged herein, Plaintiff
26 has been compelled to retain legal counsel, and is entitled to reasonable attorney's fees and
27 costs of suit, pursuant to California Government Code §§12940, 12965 subdivision (b) as well
28 as other applicable statutes.

125. Exemplary and punitive damages. GOOGLE, by its conduct as set forth above, has engaged in despicable conduct, exposing Plaintiff to cruel and unjust hardship, with the intention to cause injury to Plaintiff, and with conscious disregard of her rights. GOOGLE occupied a position of trust which gave it power to damage Plaintiff's ability to earn a livelihood. GOOGLE abused that position of trust by maliciously, fraudulently, and oppressively retaliating against her under the circumstances described here. Plaintiff is therefore entitled to punitive damages in an amount to be proven at trial. GOOGLE's conduct was willful and oppressive and done in conscious disregard of her rights.

TENTH CAUSE OF ACTION

FAILURE TO PREVENT DISCRIMINATION, HARASSMENT & RETALIATION

Cal. Gov't Code § 12940(k)

(Against GOOGLE and Does 1-25)

126. Plaintiff repeats, realleges, and incorporates by reference the allegations contained in all previous paragraphs as though fully set forth at length herein.

127. GOOGLE subjected Plaintiff to discrimination and harassment on the basis of her disability and/or race.

128. GOOGLE subjected Plaintiff to retaliation based on Plaintiff's disability and/or race, and Plaintiff's engagement in protected conduct during the course of her employment, and described in further detail above.

129. GOOGLE failed to take all reasonable steps to prevent discrimination, harassment, and retaliation.

130. Plaintiff was harmed as a result of GOOGLE's conduct, and GOOGLE's conduct was a substantial factor in causing Plaintiff's harm.

131. California Government Code §12940, subdivision (k) provides that it is an unlawful employment practice for an employer to fail to take all reasonable steps necessary to prevent discrimination from occurring. GOOGLE's conduct, as described above, constitutes a failure to take all reasonable steps necessary to prevent discrimination in violation of California Government Code §12940, subdivision (k).

132. Economic damages. As a direct and legal result of GOOGLE's conduct, Plaintiff has and will suffer special damages for lost earnings and wages in an amount not yet fully known, but in excess of \$200,000.00.

133. Non-economic damages. As a direct and legal result of GOOGLE's conduct, Plaintiff has and will suffer general damages including, but not limited to, damage to her reputation, pain and suffering, humiliation, embarrassment, and emotional distress, all in an amount to be proven at trial.

134. As a direct and proximate result of GOOGLE's conduct, as alleged herein, Plaintiff has been compelled to retain legal counsel, and is entitled to reasonable attorney's fees and costs of suit, pursuant to California Government Code §§12940, 12965 subdivision (b) as well as other applicable statutes.

135. Exemplary and punitive damages. GOOGLE, by its conduct as set forth above, has engaged in despicable conduct, exposing Plaintiff to cruel and unjust hardship, with the intention to cause injury to Plaintiff, and with conscious disregard of her rights. GOOGLE occupied a position of trust which gave it power to damage Plaintiff's ability to earn a livelihood. GOOGLE abused that position of trust by maliciously, fraudulently, and oppressively failing to prevent discrimination, harassment, and retaliation under the circumstances described here. Plaintiff is therefore entitled to punitive damages in an amount to be proven at trial. GOOGLE's conduct was willful and oppressive and done in conscious disregard of her rights.

ELEVENTH CAUSE OF ACTION

RACIAL DISCRIMINATION, HARASSMENT AND RETALIATION

42 U.S.C. § 1981

(Against GOOGLE and Does 1-25)

136. Plaintiff repeats, realleges, and incorporates by reference the allegations contained in all previous paragraphs as though fully set forth at length herein.

137. As an African American woman, Plaintiff is a member of a protected class. At all relevant times herein, Plaintiff was in a contractual relationship with Defendant GOOGLE within the meaning of 42 U.S.C. § 1981, as amended.

1 138. During the course of Plaintiff's employment, Defendant GOOGLE violated
2 Plaintiff's rights by depriving Plaintiff of her right to the enjoyment of all benefits, privileges, terms,
3 and conditions of Plaintiff's employment contract "as is enjoyed by white citizens," in direct
4 violation of 42 U.S.C. § 1981(b).

5 139. Specifically, GOOGLE's employees and supervisors subjected Plaintiff to racial
6 harassment, racial discrimination, and a racially hostile work environment, and failed to
7 investigate and prevent incidents of racial harassment, despite numerous reports and
8 complaints, thereby evidencing a pattern and practice of racial discrimination and harassment.
9 Defendants retaliated against Plaintiff for complaining of a hostile work environment including,
10 among other things, reassigning her to different roles, refusing to accommodate Plaintiff,
11 imposing unwarranted discipline, harassment, persistent underleveling and instituting unjustified
12 barriers to promote.

13 140. Defendants' violations of the Civil Rights Act of 1866, as amended, caused Plaintiff
14 to suffer harm as set forth above.

15 141. As a result of Defendants' unlawful acts, Plaintiff is entitled to damages as set forth
16 herein.

17 142. By reason of the conduct of Defendants as alleged herein, Plaintiff has necessarily
18 retained attorneys to prosecute the present action. Plaintiff is therefore entitled to reasonable
19 attorney's fees and litigation expenses, including expert witness fees and costs, incurred in
20 bringing this action.

21 143. Defendants engaged in the acts alleged herein maliciously, fraudulently, and
22 oppressively; with the wrongful intention of injuring Plaintiff; with the conscious disregard of the
23 rights and safety of Plaintiff; and with an improper and evil motive amounting to malice. Plaintiff
24 is thus entitled to recover punitive damages from Defendants in an amount according to proof.

25 **PRAYER FOR RELIEF**

26 Plaintiff prays for relief as follows:

- 27 1. For economic and special damages according to proof at trial;
28 2. For punitive and exemplary damages according to proof at trial;

1 3. For pre-judgment and post-judgment interest at the legal rate;

2 4. For attorney's fees and costs;

3 5. A declaration of Plaintiff's fair employment rights and Defendant's
4 antidiscrimination duties and responsibilities, and a declaration of the illegality of Defendant's
5 actions and failures here;

6 6. An injunction requiring Defendant GOOGLE to better train its staff on
7 harassment, discrimination and retaliation based on disability and race, and to develop effective
8 policies and procedures to ensure that when discrimination and harassment is reported, the
9 company takes effective remedial measures; and

10 7. For such further relief as the Court may deem just and proper.

11
12 DATED: August 8, 2024

TONI JARAMILLA, A Professional Law Corp.

ALEXANDER MORRISON + FEHR LLP

14 By:

15 s/ J. Bernard Alexander, III

Toni J. Jaramilla

J. Bernard Alexander, III

16 Britt L. Karp

17 Attorneys for Plaintiff

JALON HALL

18
19 **DEMAND FOR JURY TRIAL**

20 Plaintiff requests a trial by jury on all issues so triable.

21
22 DATED: August 8, 2024

TONI JARAMILLA, A Professional Law Corp.

ALEXANDER MORRISON + FEHR LLP

24 By:

25 s/ J. Bernard Alexander, III

Toni J. Jaramilla

J. Bernard Alexander, III

26 Britt L. Karp

27 Attorneys for Plaintiff

JALON HALL